

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

JIBRIL L. IBRAHIM,	:	
	:	
Petitioner	:	No. 4:CV-05-0661
	:	
vs.	:	(Petition Filed 04/04/05
	:	
	:	(Judge Muir)
TROY WILLIAMSON, Warden,	:	
	:	
Respondent	:	

ORDER

May 20, 2005

Petitioner, Jibril L. Ibrahim, an inmate confined in the Allenwood United States Penitentiary, White Deer, Pennsylvania, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his 1988 District of Columbia conviction. (Doc. No. 1).

Although petitioner filed his petition pursuant to 28 U.S.C. § 2241, District of Columbia offenders are considered state prisoners for purposes of the federal habeas corpus statutes. See Madley vs. United States Parole Comm'n, 278 F.3d 1306, 1309 (D.C. Cir. 2002). As a state prisoner in custody pursuant to the judgment of a state court, Ibrahim must rely

on section 2254 to bring claims challenging the validity or the execution of his sentence. See Coady vs. Vaughn, 251 F.3d 480, 486 (3d Cir. 2001). Thus, the petition will be considered a petition brought pursuant to § 2254. Preliminary consideration has been given to the petition and it is concluded that it is appropriate to transfer the matter to the United States District Court for the District of Columbia. See Rule 4, Rules Governing Section 2254 Cases in the United States District Courts.

"The federal habeas corpus statute straightforwardly provides that the proper respondent to a habeas petition is 'the person who has custody over [the petitioner]. 28 U.S.C. § 2242, see also § 2243. . . .'[T]hese provisions contemplate a proceeding against some person who has the **immediate** custody of the party detained, with the power to produce the body of such party before the court or judge, that he may be liberated if no sufficient reason is shown to the contrary." Rumsfeld vs. Padilla, 124 S.Ct. 2711, 2717-18 (2004) (emphasis in original) (citations omitted). There is no question that this Court has jurisdiction over Ibrahim's petition. However, notwithstanding the issue of jurisdiction, a court may transfer

any civil action for the convenience of the parties or witnesses, or in the interest of justice, to any district where the action might have been brought. 28 U.S.C. § 1404(a); See also, Braden vs. 30th Judicial Circuit of Kentucky, 410 U.S. 484 (1973). Because habeas proceedings are generally considered civil in nature, see Hinton vs. Braunskill, 481 U.S. 770, 776 (1987), the term "civil action" includes habeas petitions. Parrott vs. Government of Virgin Islands, 230 F.3d 615, 620 (3d Cir. 2000). Title 28 U.S.C. § 1391(b) provides that:

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

Ibrahim is challenging a District of Columbia Superior Court conviction, which is in the jurisdiction of the United States District Court for the District of Columbia. All records of conviction, transcripts of proceedings, witnesses,

counsel, and conviction records are located within the District of Columbia. Thus, for the convenience of the parties and in the interest of justice, the action will be transferred to the United States District Court for the District of Columbia.

IT IS HEREBY ORDERED THAT:

1. Petitioner's motion to proceed in forma pauperis (Doc. No. 4) is GRANTED only for the purpose of filing this petition.
2. The Clerk of Court is directed to TRANSFER this case to the United States District Court for the District of Columbia.
3. The Clerk of Court shall CLOSE this case.

s/Malcolm Muir

MUIR
United States District Judge

MM:dlb